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5
6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 RICHARD APPLEWHITE,
individually and on behalf of all others
9 similarly situated,

10 *Plaintiff,*

11 *v.*

12 CASHCALL, INC., a California
corporation,

13 *Defendant.*
14

Case No. 3:13-cv-00035-AJB-BLM

**NOTICE OF VOLUNTARY
DISMISAL PURSUANT TO FED. R.
CIV. P. 41**

Judge: Honorable Anthony J. Battaglia
Action Filed: January 7, 2013

15 **PLEASE TAKE NOTICE** that Plaintiff Richard Applewhite, by and through
16 his undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1), hereby voluntarily
17 dismisses all claims in this action *without prejudice* as to Defendant CashCall, Inc.
18 In support of the instant notice, Plaintiff states as follows:

- 19 1. Plaintiff filed this action on January 7, 2013. (Dkt. 1.)
 - 20 2. Fed. R. Civ. P. 41(a)(1) provides, in relevant part, that a “plaintiff may
21 dismiss an action without court order by filing a notice of dismissal before the
22 opposing party serves either an answer or a motion for summary judgment.”
 - 23 3. Defendant CashCall, Inc. has neither served an answer nor a motion for
24 summary judgment in this action.
 - 25 4. Accordingly, this action may be dismissed without prejudice and
26 without an Order of the Court.
- 27
28

Respectfully submitted,

RICHARD APPLEWHITE, individually
and on behalf of all others similarly situated,

Dated: March 15, 2013

By: /s/ Sean P. Reis

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Sean P. Reis, an attorney, hereby certify that on March 15, 2013, I served the above and foregoing ***Notice of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41***, by causing a true and accurate copy of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this the 15th day of March 2013.

/s/ Sean P. Reis _____